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Daniel Suleiman

Covington & Burling LLP
One CityCenter
850 Tenth Street, NW
Washington, DC 20001-4956
T +1 202 662 5811
dsuleiman@cov.com

VIA ECF

September 25, 2019

Hon. Debra Freeman
United States Magistrate Judge
United States District Court for the Southern District of New York
Daniel Patrick Moynihan United States Courthouse
500 Pearl Street, Courtroom 17A
New York, NY 10007-1312

Re: *Eastern Profit Corporation Limited v. Strategic Vision US, LLC*,
No. 1:18-cv-02185 (S.D.N.Y.)

Dear Judge Freeman:

We write on behalf of the *Washington Free Beacon* and its reporter William Gertz.

Yesterday, undersigned counsel received from defendant Strategic Vision US, LLC (“Strategic Vision”) a redacted copy of a letter motion to compel compliance with a Rule 45 subpoena. Earlier today, we received an un-redacted copy of the same letter motion. We write to address one significant threshold issue, and separately to request an unopposed extension of time to respond to Strategic Vision’s motion.

As an initial matter, Strategic Vision has filed its motion in the wrong court. The subpoena served on Mr. Gertz directed compliance in Washington, D.C., which is less than 100 miles from Mr. Gertz’s residence in Annapolis, Md., where he was served. *See* Exhibit 1 at 3. Pursuant to Rule 45, Strategic Vision is required to file its motion to compel in the “district where compliance is required.” Fed R. Civ. P. 45(d)(2)(i); *see also id.* 45(d)(3)(A), (f) & advisory committee’s note. Rule 45 is not discretionary on this point. Therefore, Strategic Vision was required to file its motion in the District of Columbia rather than the Southern District of New York.

Second, if this Court were nevertheless to proceed to the merits of Strategic Vision’s motion, we respectfully request an extension of time to respond to Wednesday, October 2. Putting aside the threshold issue identified above, pursuant to this Court’s rules Mr. Gertz is required to oppose Strategic Vision’s motion within three days of service. Individual Practices of Magistrate Judge Debra Freeman § I(D). This Court’s rules also provide that letter motions containing redacted material “should be delivered to the opposing party and to Chambers, with an explanation that this has been done” and “by no slower means than it is delivered to the Court.” *Id.* § I(C). Even though undersigned counsel received a redacted version of Strategic

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Vision's letter motion yesterday, we did not receive the un-redacted version until earlier today; ordinarily in these circumstances, we would have sought clarification from the Court that Mr. Gertz's response was due on Monday, September 30 (rather than this Friday, September 27). Because September 30 and October 1 constitute the Jewish holiday of Rosh Hashanah, however, we respectfully request that, if the Court were to proceed to the merits of Strategic Vision's motion, it extend the time to respond two extra days, to October 2. Counsel for Strategic Vision have confirmed that they consent to this request for an extension of time.

Respectfully Submitted,

/s/ Daniel Suleiman

Daniel Suleiman
Jordan C. Hirsch

cc: Counsel of Record via ECF